

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ALABAMA
NORTHERN DIVISION**

IN RE:
 Andy Fennell

SS#: XXX-XX-2090
 DEBTOR

CASE NO. 18-80741-CRJ-13

CHAPTER 13

TRUSTEE'S MOTION TO MODIFY CHAPTER 13 PLAN

COMES NOW, Michele T. Hatcher, the Chapter 13 Trustee in the above styled case, and moves this Court to modify Debtor's Plan confirmed June 21, 2018; and as grounds therefore, the Trustee would show unto the Court as follows:

1. The Debtor's Chapter 13 plan presently calls for payments of \$275.00 monthly to the Chapter 13 Trustee.
2. The Debtor is in material default with respect to the terms of the Chapter 13 Plan. The total delinquency is \$1,065.00 through October 2019.
3. In order for the Plan to complete as confirmed, the Trustee proposes to increase the Chapter 13 Plan payments to the amount of \$306.00 monthly beginning in December 2019 for the remaining 40 months of the Plan to cure the default.
4. The Trustee shall monitor the Debtor's Plan payments for a term of three months, beginning December 2019 through February 2020, time being of the essence. If the Debtor fails to make a Plan payment to the Trustee in any of these months, this Chapter 13 case may be dismissed on the motion of the Trustee, without notice hearing.

WHEREFORE, the Trustee moves for an order modifying the Plan pursuant to 11 U.S.C. § 1329 and Rule 3015(g) to increase the Chapter 13 Plan payments to the amount of \$306.00 monthly, beginning December 2019 for the remaining 40 months of the Plan. The Trustee shall monitor plan payments for a term of three months beginning December 2019 through February 2020 with time being of the essence. If the plan payments are not made to the Trustee in any of these months, this Chapter 13 case may be dismissed on the motion of the Trustee, without notice or hearing. Other provisions: All other provisions to remain the same.

RESPECTFULLY SUBMITTED, this the 20th day of November, 2019.

NO HEARING WILL BE CONDUCTED ON THIS MOTION UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE U. S. BANKRUPTCY COURT AND A COPY SERVED ON THE CHAPTER 13 STANDING TRUSTEE WITHIN TWENTY-ONE (21) DAYS FROM DATE OF SERVICE HEREOF. THIS MOTION WILL BE GRANTED UNLESS AN OBJECTION IS FILED WITHIN TWENTY-ONE (21) DAYS.

/s/ Michele T. Hatcher

MICHELE T. HATCHER, TRUSTEE

P.O. BOX 2388

DECATUR, AL 35602-2388

(256)350-0442

CERTIFICATE OF SERVICE

I hereby certify that on 20th day of November, 2019, I have served a copy of the foregoing on the parties listed below by depositing the same in the United States Mail, postage prepaid and properly addressed, or if the party being served is a registered participant in the CM/ECF System for the United States Bankruptcy Court for the Northern District of Alabama, service has been made by a "Notice of Electronic Filing" pursuant to FRBP 9036 in accordance with subparagraph II.B.4 of the Court's Administrative Procedures.

Andy Fennell
605 11th Avenue NW
Decatur, AL 35601

JOHN C LARSEN
LARSEN LAW PC
1733 WINCHESTER ROAD
HUNTSVILLE, AL 35811

This the 20th day of November, 2019.

/s/ Michele T. Hatcher

Michele T. Hatcher, Trustee